

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 21-22, 24, 26, 29, 33-34, 36 and 38 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,405,111 of *Rogers et al.* ("*Rogers*").

Claims 23, 25, 35, and 37 stand rejected under 35 U.S.C. §103(a) in view of *Rogers* and U.S. Publication No. 2005/0210296 of *Devine et al.* ("*Devine*").

Claims 27-28, 30-32, 39 and 40-42 stand rejected under 35 U.S.C. §103(a) in view of *Rogers* and U.S. Patent No. 6,591,367 of *Kobata et al.* ("*Kobata*").

Applicant respectfully submits that amended claim 21 is not anticipated by *Rogers* because *Rogers* does not disclose providing configuration data to a device using an HTTP response "such that the HTTP response carries the configuration data to the device" as claimed in amended claim 21. *Rogers* discloses a controller 200 that accesses wheel alignment specifications stored in memory on a networked controller 220 (*Rogers*, col. 9, lines 51-59) and also discloses that the controller 200 and the networked controller 220 communicate using HTTP (*Rogers*, col. 9, lines 11-13) but does not teach that the networked controller 220 provides the wheel alignment specifications to the controller 200 using an HTTP response that carries the wheel alignment specifications to the controller 200 as claimed in amended claim 21. Instead, *Rogers* teaches that the wheel alignment system provided by the controllers 200 and 220 is implemented using ActiveX components in the controllers 200 and 220 (*Rogers*, col. 9, lines 18-22) and further teaches that ActiveX components communicate using a direct communication protocol that is outside of HTML, i.e. that is not an HTTP request/response protocol (*Rogers*, col. 6, lines 21-27). Figure 3 of *Rogers* clearly shows a direct communication between ActiveX components in an HTTP browser 60 and an HTTP server 50 that is separate from the HTTP communication between the HTTP browser 60 and the HTTP server 50. (*Rogers*, col. 5, lines 65-67).

The examiner has construed applicant's claimed "configuration data" to encompass the ActiveX functionality disclosed in *Rogers*. (Page 2, paragraph numbered 3, Office Action, 12-12-06). It is respectfully submitted, however, that the ActiveX functionality disclosed in *Rogers* is not configuration data that provides a set of parameters that govern a behavior of a device as claimed in amended claim 21. Instead, it is submitted that the ActiveX functionality disclosed in *Rogers* is a behavior of a device and not parameters that govern the behavior. For example, *Rogers* teaches that ActiveX controls are programs, i.e. behaviors. (*Rogers*, col. 6, lines 1-2).

The examiner has stated that *Rogers* clearly teaches that communication between the controller 200 and the controller 220 is HTTP and that the controllers 200 and 220 share information using an HTTP network. (Page 6, 2<sup>nd</sup> paragraph, Office Action, 12-12-06). It is respectfully submitted that even if *Rogers* does disclose HTTP communication between the controllers 200 and 220, it does not necessarily follow that *Rogers* teaches providing parameters that govern a behavior of the controller 200 to the controller 200 using an HTTP response from the controller 220 as claimed in amended claim 21. For example, *Rogers* teaches using ActiveX components in the controllers 200 and 220 (*Rogers*, col. 9, lines 18-22) that employ a direct communication protocol that is outside of HTML (*Rogers*, col. 6, lines 21-27). In fact, the thrust of the teachings in *Rogers* are directed to using ActiveX object oriented programs in a wheel alignment system. (*Rogers*, col. 7, lines 10-15).

Given that claims 22-32 depend from amended claim 21, it is submitted that claims 22-32 are not anticipated by *Rogers*.

It is also submitted that amended claim 33 is not anticipated by *Rogers*. Amended claim 33 is a method for configuring a device that includes limitations similar to the limitations of amended claim 21. Therefore, the remarks

stated above with respect to amended claim 21 and *Rogers* also apply to amended claim 33.

Given that claims 34-42 depend from amended claim 33, it is submitted that claims 34-42 are not anticipated by *Rogers*.

Applicant also submits that claims 23, 25, 35, and 37 are not obvious in view of *Rogers* and *Devine* because claims 23, 25, 35, and 37 depend from amended claims 21 and 33 and because *Rogers* and *Devine* do not disclose or suggest providing configuration data to a device in an HTTP response as claimed in amended claims 21 and 33. Applicant has shown that *Rogers* does not disclose or suggest the limitations of amended claims 21 and 33. *Devine* discloses a customer workstation 10 that downloads application objects (*Devine*, paragraph 50) but does not disclose or suggest providing configuration data to a device in an HTTP response as claimed in amended claims 21 and 33.

Applicant further submits that claims 27-28, 30-32, 39 and 40-42 are not obvious in view of *Rogers* and *Kobata* because claims 27-28, 30-32, 39 and 40-42 depend from amended claims 21 and 33 and because *Rogers* and *Kobata* do not disclose or suggest providing configuration data to a device in an HTTP response as claimed in amended claims 21 and 33. Applicant has shown that *Rogers* does not disclose or suggest providing configuration data to a device in an HTTP response as claimed in amended claims 21 and 33. *Kobata* discloses a system for protecting messages from unauthorized access (*Kobata*, col. 2, lines 18-22) rather than providing configuration data to a device in an HTTP response as claimed in amended claims 21 and 33.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-1078 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 3-12-07 By: Paul H. Horstmann

Paul H. Horstmann  
Reg. No.: 36,167